

## REMARKS

### INTRODUCTION

In accordance with the foregoing, claims 10 and 30 have been amended, and claim 31 has been cancelled, without prejudice or disclaimer.

Claims 1-30 are pending and under consideration, with claims 18, 19, and 24-28 having been indicated as including allowable subject matter, and claims 1-9 having been allowed.

### REJECTION UNDER 35 USC 112, FIRST AND SECOND PARAGRAPHS

Claims 10-30 stand rejected under 35 USC § 112, first and second paragraphs, as claims 10 and 30 set forth the claimed head limiter was protruding from the mounting surface, with the mounting surface mounting the disk, and since the Office Action points out that the specification does not refer to the claimed mounting surface or that the disk or head limiter is thereon.

Accordingly, to clarify the claimed "mounting surface," which is the surface mounting the rotatable disk, independent claims 10 and 30 have been amended to clarify that the spindle motor mounts both the disk and provides the head limiter.

As correctly pointed out in the Office Action, only the spindle motor, or hub thereof, mounts the disk, and the claims indicate that the head limiter protrudes therefrom. Accordingly, it is respectfully submitted that there should not have been an indefiniteness problem with the aforementioned mounting surface. Rather, indefiniteness problems only exist when the claimed mounting surface is read with an interpretation contrary to the specification and the remaining claims.

Regardless, to clarify the claimed invention, for the § 112 rejections, and without changing the scope and breadth thereof, claims 10 and 30 have been amended to change the "mounting surface" to "spindle motor."

It is respectfully submitted that this change should have been expected, as this is in conformance with the specification, the remaining claims, and the Examiner's interpretation of the invention.

Therefore, it is respectfully submitted that these changes should be entered and reconsideration given to the allowability of the pending claims.

REJECTION UNDER 35 U.S.C. § 102:

Claims 10-17, 20, 23, 29, 30 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Khanna et al. (U.S. Patent No. 5,640,290). This rejection is respectfully traversed.

In rejecting claims 10-17, 20, 23, 29, 30, the Office Action interpreted the "mounting surface" as being a base plate of the disk drive. However, as noted above, and as noted in the 35 USC § 112 rejections of claims 10-30, this interpretation is contrary to any discussion in the specification or claims, or even the Examiner's own interpretation presented in rejecting claims 10-30.

Thus, it is respectfully submitted that this interpretation of "mounting surface" is not reasonable, in view of the specification, the other claims, or the Office Action's own interpretations of the claims in rejecting claims 10-30 under 35 USC §112.

Rather, the proffered interpretation of "mounting surface," in this rejection, would appear to be the broadest interpretation of "mounting surface," without any consideration of the understood invention or without any consideration of what the Examiner anticipated the applicant to clarify in response to the §112 rejections, i.e., if the Examiner anticipated particular amendments to claims 10 and 30 to clarify the claimed invention, then a reasonable interpretation of "mounting surface" should have included such anticipating clarifications or at least an interpretation supported/consistent with the specification.

Therefore, it is further respectfully submitted that the outstanding rejection is not proper for being based on an improper interpretation of "mounting surface."

Regardless, as noted above, claims 10 and 30 have been amended to clarify the claimed mounting surface and the claimed head limiter, e.g., some of the recited positioning language has been amended to further clarify the placement of the limiter consistent with the specification, other claims, and the Examiner's interpretation of the invention.

It is further submitted that with the above amendments to claims 10 and 30, the outstanding rejections should now be moot, by further differentiating the claimed invention from the aforementioned improper interpretation of "mounting surface."

Accordingly, it is respectfully requested that this rejection of claims 10 and 30 be withdrawn and claims 10 and 30 be allowed. Further more, it is also respectfully submitted that this rejection of claims 11-17, 20, 23, 29, and 30 be withdrawn and claims 11-17, 20, 23, 29, 30 allowed, as well as for the additional recitations therein.

REJECTION UNDER 35 U.S.C. § 103:

Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being obvious over KHANNA et al (U.S. Patent No. 5,640,290). This rejection is respectfully traversed.

Claims 21 and 22, which depend from claim 10, should be allowable for at least the same reasons as amended claim 10, as well as for the additional features recited therein.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

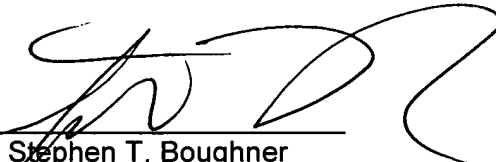
Respectfully submitted,

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9/20/05

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